IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CLOREY EUGENE FRANCE,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:13CV250
	)	
STATE OF NORTH CAROLINA[1],	)	
	)	
	)	
Respondent(s).	)	

ORDER TO FILE AND REQUIRING ANSWER FROM RESPONDENT

Petitioner, a prisoner of the State of North Carolina, has submitted a petition under 28 U.S.C. § 2254 for writ of habeas corpus by a person in state custody, together with a request to proceed *in forma pauperis*. In reliance upon the representations set forth in the request, it appears that Petitioner is unable to pay the $5.00 filing fee for this action.

[1] Petitioner has not named his custodian as the respondent. Rule 2, Rules Governing Section 2254 Cases, requires that the petition name the state officer having custody of the applicant as respondent. The Court takes judicial notice that a proper respondent for North Carolina state prisoners challenging their North Carolina judgment of conviction is the Secretary of Public Safety. Naming the wrong custodian is a common point of confusion, and the Court assumes that Petitioner wishes to name the proper custodian as respondent. Accordingly, unless Petitioner objects within eleven days of the issuance of this Order, the Petition is deemed from this point forward to be amended to name Kieran J. Shanahan, who is currently the Secretary of Public Safety, as Respondent.

IT IS THEREFORE ORDERED that Petitioner's request to proceed *in forma pauperis* is granted. Respondent shall file an answer with this Court, pursuant to Rules 4 and 5, Rules Governing Section 2254 Cases, within 40 days of the issue of this Order.

This, the 9th day of April, 2013.

/s/ L. Patrick Auld

L. Patrick Auld
United States Magistrate Judge